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**FILED**

June 13, 2007

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF

OSCAR M. MENDEZ, M.D.  
License No. MA46512

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER OF  
VOLUNTARY SURRENDER  
OF LICENSURE

**THIS MATTER** was opened to the New Jersey State Board of Medical Examiners (hereafter "Board") upon receipt of information that on or about May 12, 2006, Oscar M. Mendez, M.D. (hereafter "Respondent") entered into a Consent Order ("Exhibit A") with the Louisiana State Board of Medical Examiners ("Louisiana Board").

More specifically, the Consent Order provides that the

**CERTIFIED TRUE COPY**

Louisiana Board commenced an investigation of Respondent, an obstetrician/gynecologist, after receiving reports of inappropriate conduct by Respondent in connection with a patient. The Consent Order also states that Respondent was the subject of an administrative hearing in 1989 that arose due to allegations of inappropriate conduct, which were dismissed. As a result of the recent investigation, Respondent agreed to undergo a comprehensive evaluation at the Behavioral Medicine Institute and, thereafter, agreed to implement certain policies, procedures and protocols recommended by the Institute and undergo recommended medical treatment and therapy.

Thereafter, the Louisiana Board entered into a Consent Order with Respondent providing for a revocation of his license to practice medicine, which was stayed and Respondent's license placed on probation for the remainder of his career. Further, Respondent's continued practice is subject to the terms, conditions and limitations set forth in the Consent Order.

As a result of the foregoing, the Board has determined that the Respondent's acts giving rise to the Consent Order entered by the Louisiana Board provide a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(g).

**IT NOW APPEARING** that the parties wish to resolve this matter without recourse to formal proceedings and, accordingly, Respondent now seeks leave to voluntarily surrender his license to practice

medicine and surgery in the State of New Jersey in accordance with the terms of this Order; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 13<sup>th</sup> day of June, 2007, ORDERED AND AGREED THAT:

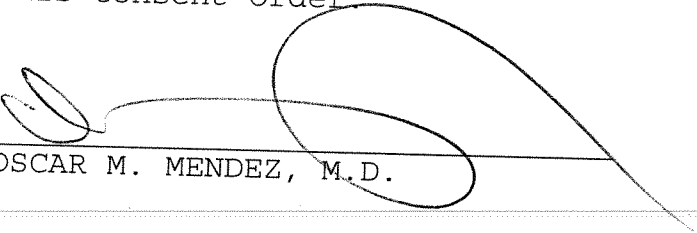
1. Respondent shall immediately surrender his license to practice medicine and surgery in the State of New Jersey;
2. Respondent shall return his original New Jersey license and most recent biennial registration to the New Jersey State Board of Medical Examiners, contemporaneously with his signing of this Order;
3. Respondent shall return his original New Jersey CDS registration to the New Jersey State Board of Medical Examiners, contemporaneously with his signing of this Order;
4. Respondent shall immediately advise the DEA of this Order;
5. Respondent shall comply with the attached Directives for Physicians whose Surrender of Licensure has been accepted by the Board, which are incorporated herein by reference; and
6. In the event the Respondent seeks reinstatement of his New Jersey license, then the Respondent agrees, and shall be required, to appear before the Board or a Committee thereof to

demonstrate: (1) fitness to practice; (2) that he is in full compliance with the Consent Order of the Louisiana Board; and (3) that he holds an active unrestricted license to practice medicine in Louisiana. Additionally, the Board reserves the right to place restrictions and/or limitations upon Respondent's license to practice in the State of New Jersey.

STATE BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, MD  
SINDY PAUL, M.D.  
Board President

I have read and I understand  
this Consent Order and agree to be  
bound by its terms. I further  
hereby consent to the entry of  
this Consent Order

  
\_\_\_\_\_  
OSCAR M. MENDEZ, M.D.

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130  
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250  
[www.lsbme.org](http://www.lsbme.org)



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Ext. \_\_\_\_\_

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In The Matter Of :  
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:  
OSCAR MENDEZ, M.D. :  
(Certificate No. 07195R) :  
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:  
:  
-----X

NO. 05-I-556

CONSENT ORDER  
\_\_\_\_\_

The Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board") began an investigation of Oscar Mendez, M.D. (Certificate No. 07195R), an obstetrician/gynecologist who practices in Covington, Louisiana, after reports of inappropriate conduct of Dr. Mendez with a patient. Dr. Mendez had also been the subject of an administrative hearing before the Board in 1989 that arose due to allegations of inappropriate conduct with a patient.<sup>1</sup> Upon meeting with the Investigating Officer, Dr. Mendez agreed to undergo a comprehensive evaluation at the Behavioral Medicine Institute ("BMI"), the results of which are contained in a report from BMI dated March 14, 2006. The allegations of inappropriate conduct, if proven, would constitute violations of La. R.S. §1285A(13)<sup>2</sup>.

Following the evaluation at BMI, Dr. Mendez has agreed to implement certain policies, procedures, and protocols recommended by BMI and to undergo medical treatment and therapy that were also recommended. In consideration of these facts, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have administrative adjudication of the matters mentioned above, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of

<sup>1</sup> *In the Matter of Oscar Martinez Mendez*, No. 89-A-016. The Board's Decision was rendered on November 19, 1989.

<sup>2</sup> Pursuant to La. R.S. §37:1285A(13), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "unprofessional conduct;"

the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.*, Dr. Mendez nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Mendez also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Mendez also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Mendez expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges, should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Oscar Mendez, M.D., to practice medicine in the state of Louisiana, as evidenced by Certificate No. 07195R be, and hereby is, **REVOKED**, with the revocation stayed and Dr. Mendez's license placed **ON PROBATION** for the remainder of his career beginning on the date of acceptance of this Consent Order by the Board; *provided, however*, that Dr. Mendez's license to practice medicine and his continuing exercise of the rights and privileges granted to him thereby, shall, for the remainder of his career, be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) **Recommendations of Behavioral Medicine Institute.** Dr. Mendez shall, for the remainder of his career, comply with each and every recommendation contained in the March 14, 2006 report of BMI and any subsequent recommendations that may be made by BMI, including all recommendations pertaining to the implementation and posting of treatment protocols and standards of practice, the use of chaperones and follow-up patient surveys, periodic polygraph examinations, continuing medical education, and all treatment and monitoring by a supervising therapist and others as recommended by BMI. Dr. Mendez shall provide a copy of this Consent Order to BMI. The following terms and conditions shall not be deemed to detract from or limit Dr. Mendez's obligation to comply with the BMI recommendations.

(2) **Board Access to Treatment Records and Reports.** Dr. Mendez shall, and does by his subscription hereto, authorize and cause any physician, therapist or other healthcare provider, or any institution at which he undergoes medical treatment or monitoring, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with complete copies of all medical records and reports relating to Dr. Mendez's history, examination, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Mendez expressly waives any privilege that may otherwise be afforded the disclosure of such records, pursuant to state or federal law and by his subscription hereto acknowledges that he shall immediately execute any authorization presented to him by the Board to obtain such records.

(3) **Necessity for Chaperone.** Dr. Mendez shall designate a chaperone, acceptable to and preapproved by the Board and Dr. Mendez's supervising therapist in writing, in whose physical presence and under whose direct observation he shall, for the duration of his medical career, conduct the entirety of any and all visits and examinations of female patients in his clinic in accordance with the procedures and protocols recommended by BMI. The chaperone's responsibilities shall include observation and assessment of the propriety of patient contact, as well as the extent of such contact between Dr. Mendez and his co-workers as may be observed or reported.

(4) **Reports from Chaperone/Sanction.** Dr. Mendez shall promptly report and he shall cause his chaperone to promptly report verbally and in writing any instance in which he conducts a visit with or examination of any female patient in his clinic in the absence of the chaperone as required hereinabove. Moreover, he shall cause his chaperone to promptly report to the Board any activity or conduct by Dr. Mendez which the chaperone deems to be improper or unprofessional with a patient or co-worker. Dr. Mendez shall also cause his chaperone to submit a report, not less frequently than quarterly, attesting, under oath, to his or her presence during the entirety of all examinations required hereunder, as well as the propriety of Dr. Mendez's conduct with patients and co-workers.

(5) **Reports from Supervising Therapist/Sanction.** Dr. Mendez shall cause his supervising therapist to promptly report verbally and in writing any activity or conduct by Dr. Mendez that the supervising therapist deems to be improper or unprofessional with a patient or co-worker. Dr. Mendez shall also cause his supervising therapist to submit a report, not less frequently than quarterly, attesting to his or her opinion about Dr. Mendez's adherence to the treatment plan and his ability to practice medicine with reasonable skill and safety to patients.

(6) **Board Approval of Change of Practice.** Dr. Mendez shall not change from his current private practice of obstetrics and gynecology to any other position

and/or area of practice, without obtaining the Board's approval to the requested change in position or practice.

(7) **Probation Monitoring Fee.** For each year of the probationary term Dr. Mendez shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(8) **Fees and Costs of Treatment; Testing and Reports.** Any and all fees, costs or expenses incurred by Dr. Mendez in connection with the obligations and requirements contained in this Order, shall be borne by Dr. Mendez.

(9) **Cooperation with Board's Probation and Compliance Officer.** Dr. Mendez shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

(10) **Payment of Fine.** Dr. Mendez shall pay a fine of \$3,000 to the Board, which payment may be made within ninety (90) days of the acceptance of this Order by the Board.

(11) **Effect of Violation/Sanction.** By his subscription hereto Dr. Mendez acknowledges that his receipt of written notification from the Board that it has received a written report providing apparently reliable information that indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by any law, constitute his consent to the immediate suspension of his license to practice medicine in this state by the Board for not more than 120 days, pending the final resolution of an administrative hearing and decision by the Board with respect to the information made the basis of such report.

**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms, conditions, or restrictions set forth by this Order by Dr. Mendez shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Mendez's license to practice medicine in the state of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.



**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 19<sup>th</sup> day of June, 2006.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

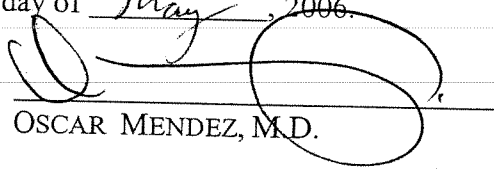
By: Kweli J. Amusa, MD  
KWELI J. AMUSA, M.D.  
Vice-President

ACKNOWLEDGEMENT AND CONSENT ON NEXT PAGE

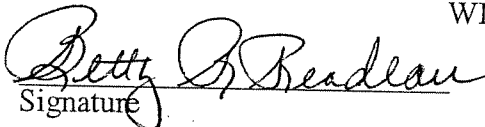
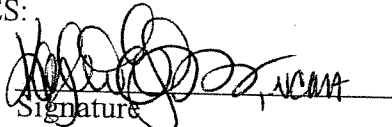
STATE OF LOUISIANA

PARISH OF St. TammanyACKNOWLEDGMENT  
AND CONSENT

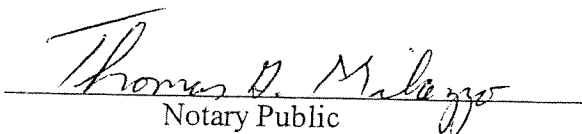
I, OSCAR MENDEZ, M.D., hereby acknowledge, approve, accept and consent to  
entry of the above and foregoing Order, this 12 day of May, 2006.

  
OSCAR MENDEZ, M.D.

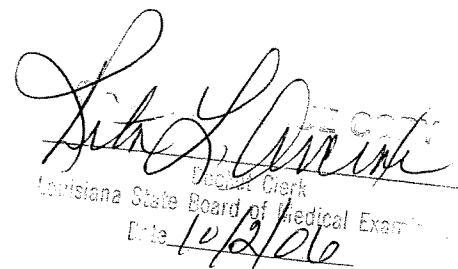
WITNESSES:

  
SignatureBetty R. Beadeau  
Typed Name201 Highland Park Plaza  
Address  
Covington, LA 70433  
SignatureKaylie E. Jones NCMA  
Typed Name201 Highland Park Plaza  
Address  
Covington, LA 70433

Sworn to and subscribed before me at Covington, Louisiana, this 12 day of  
May, 2006, in the presence of the two stated witnesses.

  
Notary Public

**THOMAS G. MILAZZO**  
**Louisiana Bar Association No. 1249**  
**Notary Public, Parish of Jefferson, LA**  
**My Commission is Issued For Life**

  
State Clerk  
Louisiana State Board of Medical Examiners  
Date 10/2/06

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100  
Telephone: (504) 524-6763  
New Orleans, LA 70112-1499

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF

:

OSCAR MARTINEZ MENDEZ, M.D. : NO. 89-A-016  
(Certificate No. 07195R)

RESPONDENT

: DECISION

An administrative hearing was convened before the Louisiana State Board of Medical Examiners (the Board) on Thursday, August 17, 1989, to adjudicate alleged violations of the Louisiana Medical Practice Act by Oscar Martinez Mendez, M.D. (the Respondent). Present representing the Board was a quorum of its membership including Drs. Muslow, LaNasa, Hackett, Bordelon, Kaplan, and Nunnally. Also present was the Respondent represented by Ms. Elizabeth Alston, his legal counsel, and Mr. Mark C. Surprenant, counsel for the Board. Dr. Laborde took no part in either the hearing or the decision of the Board.

Upon consideration of the evidence which consisted of documentary filings, the sworn testimony of witnesses including the Respondent, and depositions, the Board renders the following findings of facts and conclusion of law.

FINDINGS OF FACT

1. At all material times pertinent to this matter before the Board, Respondent, Oscar Martinez Mendez, M.D., was and is a physician licensed by the Board to engage in the practice of medicine in the State of Louisiana. His license is unrestricted.
2. Respondent was charged with violations of sections 37:1285(A)15 of the Medical Practice Act.
3. After consideration of all of the evidence and arguments from both counsel it is the opinion of the Board that

none of the charges lodged against Respondent was proved by the reliable, probative and substantial evidence required under the provisions of the Administrative Procedure Act. See Louisiana Revised Statutes, Title 49:957.

#### CONCLUSION OF LAW

1. The allegations and charges lodged against Respondent were not supported by reliable, probative and substantial evidence.

2. The Board remains deeply disturbed by the allegations which were the subject matter of this investigation and administrative hearing, and cautions the Respondent in the future to employ measures and undertake rigid office procedures to prevent a recurrence of allegations of the kind made in this case.

#### DECISION


Considering the foregoing:

IT IS ORDERED that the complaint brought against Respondent by the Board be and is dismissed.

Shreveport, Louisiana, this  
16th day of November, 1989.

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

By Ike Muslow  
Ike Muslow, Chairman

  
Secretary  
Louisiana State Board of Medical Examiners  
Date 10/2/86